

## **REMARKS**

In the Advisory Action, claims 1, 5, 6 and 12 were objected to for failure to capitalize the trademark MOCON and also accompany the trademark by generic terminology.<sup>1</sup> Applicants have amended claims 2, 5, 6 and 12 to remove the term MOCON in accordance with 37 CFR 47.33 to present the rejected claims in better form for consideration on appeal by removing the objectionable terminology. Applicants submit that no new matter is added by this Amendment.

Applicants respectfully request entry of this Amendment for purposes of Appeal. Examiner Champman is invited and encouraged to telephone the undersigned, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

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<sup>1</sup> Applicants assume that claim 2 was intended to be listed as objected to rather than claim 1 because claim 1 does not include the term MOCON. In addition, it should be noted that the Final Office Action stated that "[t]he objection to the use of the trademark MOCON in the Specification is withdrawn." Nonetheless, Applicants have amended the claims herewith to present the claims in better form for consideration on appeal by removing the objection. To the extent the Examiner is inclined to not enter the Amendment because it is deemed new matter, Applicants respectfully request the Examiner to reopen prosecution because the Advisory Action was the first time this particular objection was raised.